

EXHIBIT A

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF SPARTANBURG)	SEVENTH JUDICIAL CIRCUIT
)	
Domere Sterling LaMarr Walker,)	
)	
Plaintiff,)	SUMMONS
)	
vs.)	
)	C.A. No.: 2022-CP-42-_____
Amazing Guys Incorporated and)	
Oleksandr Fumarov,)	
)	
Defendants.)	

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to answer the Complaint in this action, a copy of which is attached hereto and herewith served upon you, and to serve a copy of your answer to same upon the subscriber at 178 West Main Street, Post Office Box 3547, Spartanburg, South Carolina 29304, within thirty (30) days after the service of same, exclusive of the day of such service. If you fail to answer same within the thirty (30) day period, Plaintiff will apply to the Court for the relief demanded therein and judgment will be taken against you by default.

HARRISON|WHITE, P.C.

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January 19, 2022

Plaintiff Domere Sterling LaMarr Walker by and through his attorneys, Harrison| White, P.C.,
complaining of Defendants Amazing Guys Incorporated and Oleksandr Fumarov, states the following:

1. The Parties hereto, subject matter hereof, and all matters and things herein after alleged are within the jurisdiction of this Honorable Court.

2. Plaintiff Domere Sterling LaMarr Walker (hereinafter “Plaintiff Mr. Walker”) is currently a resident of the City of Wildwood, County of Saint Louis, State of Missouri.

3. Defendant Amazing Guys Incorporated (hereinafter “Defendant Amazing Guys”), upon information and belief, was at all times hereinafter mentioned and is currently a corporation organized in the State of Illinois. Defendant Amazing Guys is subject to the jurisdiction of this Court pursuant to S.C. Code Ann. Section 36-2-803(A)(1), (2), (3), (5), (7) and (8), as will more fully appear hereinafter.

4. Defendant Oleksandr Fumarov (hereinafter “Defendant Mr. Fumarov”), upon information and belief, was at all times hereinafter mentioned and currently is a resident of the City of Miami Beach, County of Miami-Dade, State of Florida.

5. On or about December 16, 2020, Defendant Mr. Fumarov was operating a 2020 Ford truck owned by Defendant Amazing Guys and was acting within the scope and course of his employment with Defendant Amazing Guys as their agent and servant.

6. On or about December 16, 2020, Plaintiff Mr. Walker was travelling northbound on Interstate 85 near the town of Cowpens, in the County of Spartanburg, State of South Carolina in a 2020 four door Nissan Automobile.

7. On or about December 16, 2020, Plaintiff Mr. Walker was travelling northbound on Interstate 85 near the town of Cowpens, in the County of Spartanburg, State of South Carolina in a 2020 four door Nissan Automobile. At or about the same time, Defendant Mr. Fumarov was driving Defendant Amazing Guys' Ford truck in a southbound direction on Interstate 85 and collided with the rear of a 2005 Land Cruiser automobile that was stopped in the lanes of traffic immediately in front Defendant Mr. Fumarov. This collision caused vehicle debris to strike Plaintiff Mr. Walkers vehicle causing Plaintiff Mr. Walker to lose control of his vehicle, strike another vehicle and then strike the median barrier wall. The above-described collision caused Plaintiff Mr. Walker to suffer injuries and damages as described herein.

FOR A FIRST CAUSE OF ACTION AS TO DEFENDANT AMAZING GUYS AND
DEFENDANT MR. FUMAROV
(RESPONDEAT SUPERIOR NEGLIGENCE)

8. Plaintiff Mr. Walker incorporates herein by reference each and every allegation set forth hereinabove as if repeated verbatim.

9. Defendant Amazing Guys (acting through their agents, servants and employee Defendant Mr. Fumarov) and Defendant Mr. Fumarov were negligent, careless, willful, wanton, reckless and grossly negligent as follows to wit:

- (a) in failing to maintain a proper lookout;

- (b) in following too closely;
- (c) in failing to keep Defendant Amazing Guy's commercial vehicle under safe and proper control;
- (d) in using Defendant Amazing Guy's commercial vehicle as a means of intimidation;
- (e) in failing to apply his brakes safely;
- (f) in failing to obey traffic control devices and signs;
- (g) in failing to observe the road and traffic conditions;
- (h) in paying attention to other matters when he should have been paying attention to road conditions;
- (i) in generally failing to use the degree of care and caution that a reasonably prudent person would have used under the same or similar circumstances;
- (j) in violating state laws enacted to protect the safety and health of the motoring public, so as to constitute negligence per se;
- (k) in violating the provisions of the Federal Motor Carrier Safety Regulations, including but not limited to:
 - i. Section 383.110 –General Requirement,
 - ii. Section 383.111 – Required Knowledge,
 - iii. Section 383.113 – Required Skills, and
 - iv. Section 392.2 – Applicable operating rules;
- (l) in violating the standards of care set forth in the South Carolina Commercial Driver's Manual, particularly with regard to the following:
 - i. Section 2.4-Seeing, especially with regard to seeing ahead, looking for traffic and looking for road conditions,
 - ii. Section 2.6-Controlling Speed, especially with regard to all subsection dealing with driver's perception distance, reaction distance, braking distance, total stopping distance, effect of speed on stopping distance, effect of vehicle weight on stopping distance, speed and distance ahead, and speed and traffic flow,

iii. Section 2.7-Managing Space

All of which constitutes negligence, carelessness, recklessness, wantonness and/or gross negligence and is attributable to Defendant Amazing Guy's by virtue of the doctrine of respondeat superior.

All of which were a direct and proximate cause of the pain and suffering sustained by Plaintiff Mr. Walker herein and which are in violation of the statutory and common law of the State of South Carolina.

**FOR A SECOND CAUSE OF ACTION AS TO DEFENDANT AMAZING GUY'S
(NEGLIGENCE)**

10. Plaintiff Mr. Walker incorporates herein by reference each and every allegation set forth hereinabove as if repeated verbatim.

11. Defendant Amazing Guys, through the actions of their agents and employees, Defendant Mr. Fumarov, and/or Defendant Mr. Fumarov individually, were negligent, grossly negligent, willful, wanton, and reckless at the time and place above mentioned, individually and jointly, in the following particulars, to wit:

- (a) in failing to have in place policies and procedures to train and/or monitor its drivers, or if such procedures were in place, in failing to enforce them;
- (b) in failing to have in place adequate policies and procedures to mandate compliance by its drivers with statutes, laws, and regulations regarding the operation of motor vehicles, or if such policies and procedures were in place, in failing to enforce them;
- (c) in failing to have in place an adequate safety program for the safety and protection of the motoring public, or if such program was in place, in failing to implement it;
- (d) in failing to ensure that Defendant Mr. Fumarov had the proper training and experience to be able to navigate a commercial vehicle in a safe and effective manner;
- (e) in entrusting a commercial vehicle to Defendant Mr. Fumarov when Defendant Amazing Guys knew or should have known that Defendant Mr.

Fumarov could not navigate the commercial vehicle in a safe and effective manner;

- (f) in failing to properly investigate Defendant Mr. Fumarov's driving record and/or ability to drive to ensure that Defendant Mr. Fumarov possessed the requisite skill and attention to maintain control of and ability to drive a commercial vehicle for Defendant Amazing Guys;
- (g) in failing to ensure that Defendant Mr. Fumarov had sufficient, adequate and current training, credentials, and skills to properly drive a company vehicle;
- (h) in generally failing to use the degree of care and caution that a reasonably prudent entity would have used under the same or similar circumstances;
- (i) in violating the provisions of the State of South Carolina Commercial driving requirements and the Federal Motor Carrier Safety Regulations;

All of which were the direct and proximate cause of the injuries and damages suffered by Plaintiff Mr. Walker herein, said acts being in violation of the statutory and common law of the State of South Carolina and in complete disregard for the rights, safety and welfare of Plaintiff Mr. Walker.

12. As a direct and proximate result of the negligence, carelessness, recklessness, wantonness and gross negligence of all defendants above named, Plaintiff Mr. Walker has suffered and, in the future, will suffer from:

- (a) personal injury;
- (b) pain and suffering the past, present, and future;
- (c) mental anguish;
- (d) loss of enjoyment of life in the past, present, and future;
- (e) past medical expenses;
- (f) medical expenses in the future;
- (g) permanent impairment;

- (h) aggravation of prior physical, mental, and emotional issues;
- (i) loss of wages and earnings; and
- (j) punitive damages;

All of which Plaintiff Mr. Walker is entitled to recover an amount of actual, punitive, special and consequential damages to be determined by a jury at the trial of this action.

13. That as a further result of the aforesaid collision, Plaintiff Mr. Walker suffered great physical harm and injury, all of which has, and will in the future, cause Plaintiff Mr. Walker to endure great physical and mental pain and suffering, to require medical treatment, to sustain permanent injury, to spend money for medical services, to lose money in the nature of property damage, wages and earnings, and to otherwise experience a loss of enjoyment of life.

WHEREFORE, Plaintiff Mr. Walker prays for judgment against Defendants Amazing Guys and Mr. Fumarov for actual and punitive damages jointly and severally to be determined appropriate by the jury at the trial of this case, for the costs of this action, and for such other and further relief as this Court deems just and proper as to Plaintiff.

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